

Orange County Zoning Division

SE-23-06-045

**APPLICANT: ERIC RAASCH FOR
WIND RIVER**

November 14, 2023



Background

APPLICANT: ERIC RAASCH

CASE: SE-23-06-045

ZONING: I-4 (Industrial) District

FUTURE LAND USE: IND (Industrial)

ADDRESS: 223 Central Florida Parkway, Orlando, FL 32824

LOCATION: North side of Central Florida Pkwy., west of S. Orange Ave., south of Taft Vineland Rd., east of Florida's Turnpike.

TRACT SIZE: 4.8 acres

DISTRICT: 3

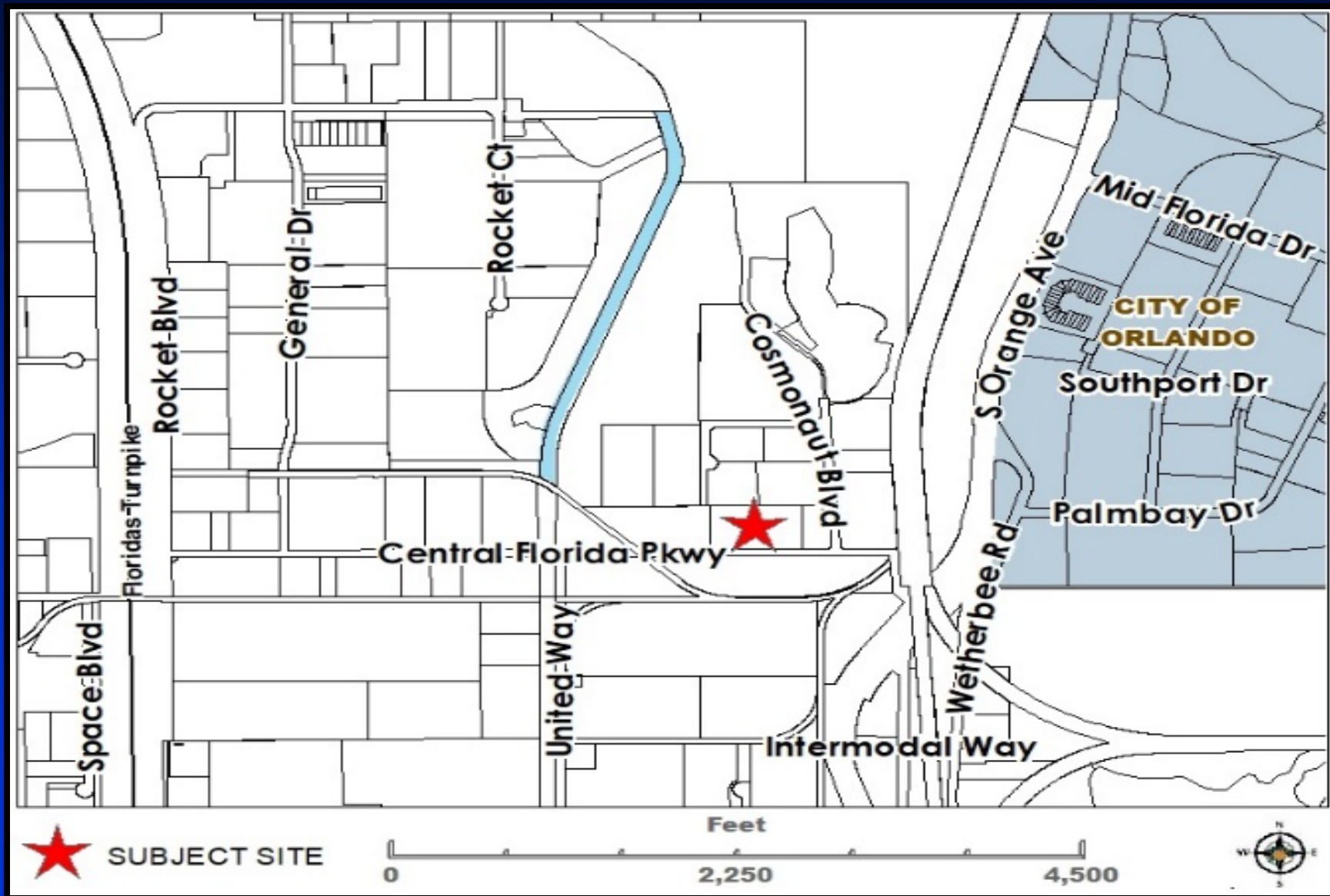


Background

REQUEST: Special Exception in the I-4 zoning district to allow a septic disposal and processing facility.

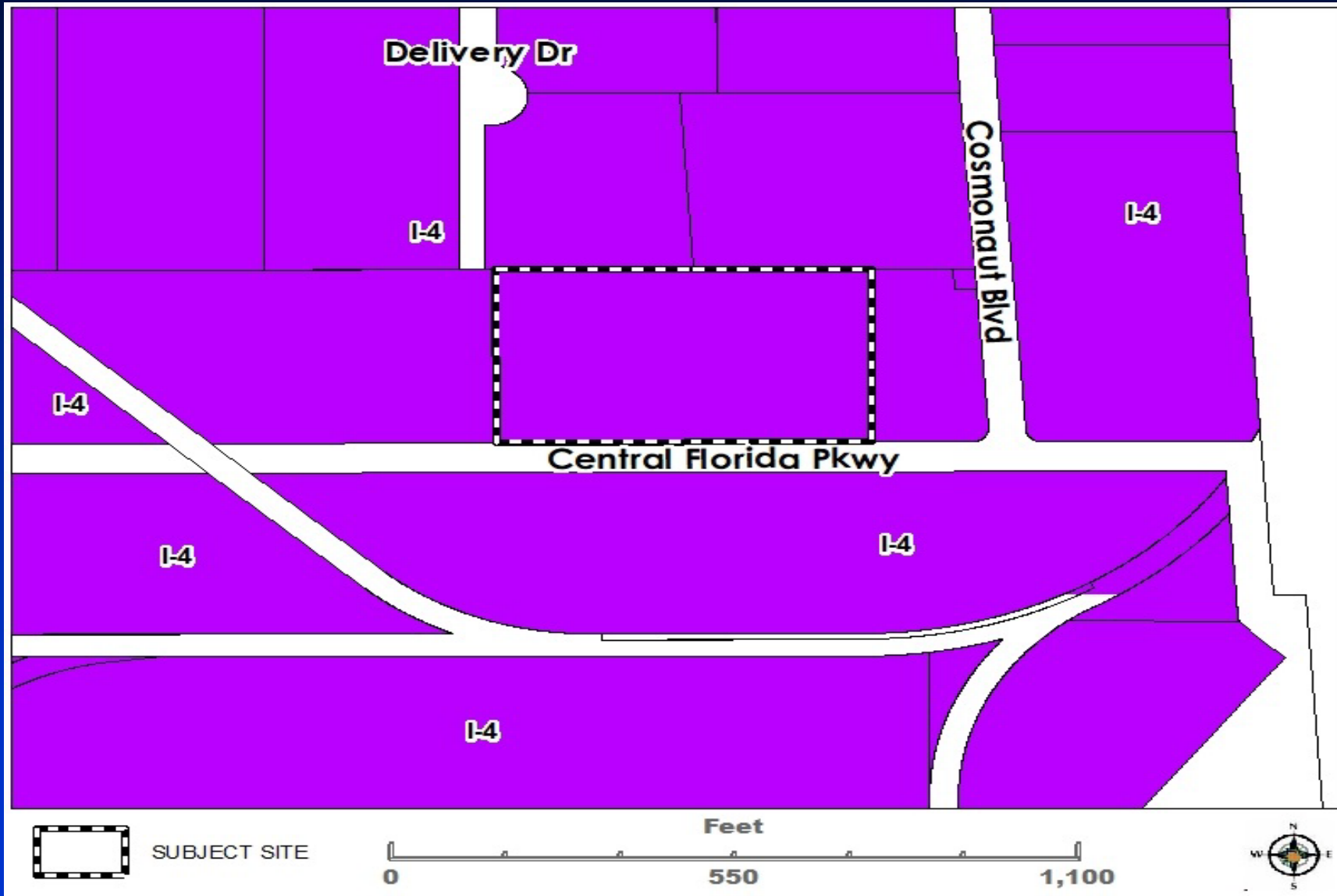


Location Map





Zoning Map



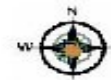
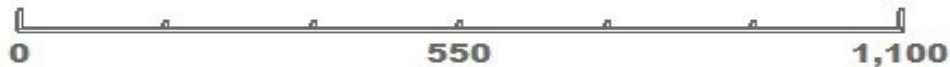


Aerial Map



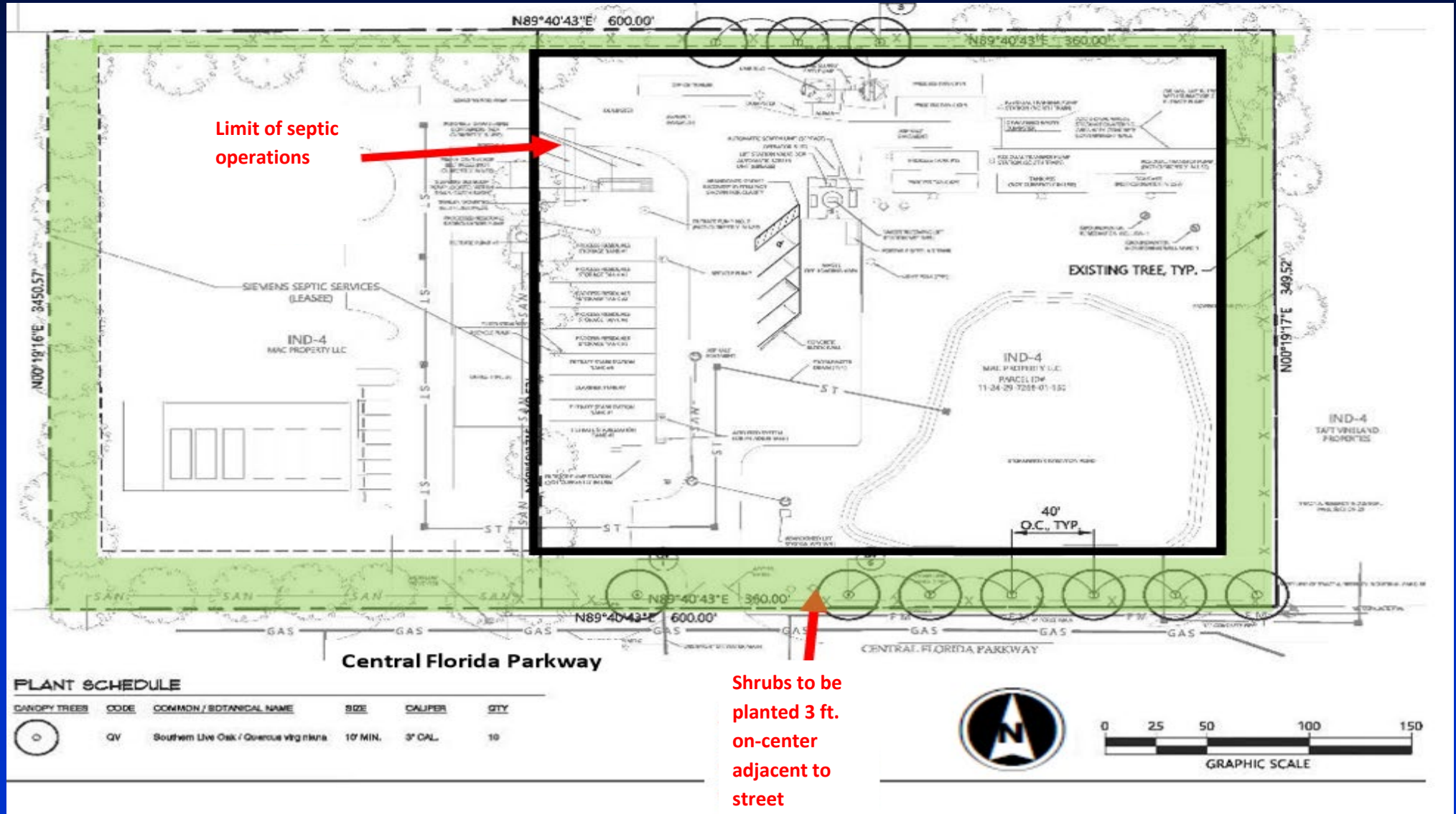
SUBJECT SITE

Feet





Landscape Plan





Site Photograph

Front of property facing north from Central Florida Pwky.



08/10/2023 10:54



Site Photograph

Front of property facing northeast from Central Florida Pwky.





Site Photograph

Facing south to street, tanks to right



08/10/2023 11:01



Site Photograph

Shipping Containers at north property line to be removed





Site Photograph

Facing east at northwest corner of property





Background

- Initially submitted Special Exception in 1999, but Code allowed use in I-4 Zoning District by-right and was withdrawn.
- Operation as septic processing facility since 2002. Has never ceased operations.
- Code updates in 2004, requiring a Special Exception in I-4 Zoning District.
- Business Tax Receipt lapsed in 2020.
- Proposed re-establishment through Special Exception.



Staff Findings and Analysis

- Located in a heavy industrial area
- Meets performance standards for height and setbacks.
- Meets landscape requirements with proposed new landscaping
- Hours of operation are 24 hours a day, 7 days a week
- Staff recommended approval of the Special Exception as the provision of a septic disposal and processing facility is consistent with the Comprehensive Plan, is compatible with other existing nearby industrial uses, will not impact the surrounding area since there are heavy industrial uses in the area, and the property has been used for the same purpose for the past 20 years.



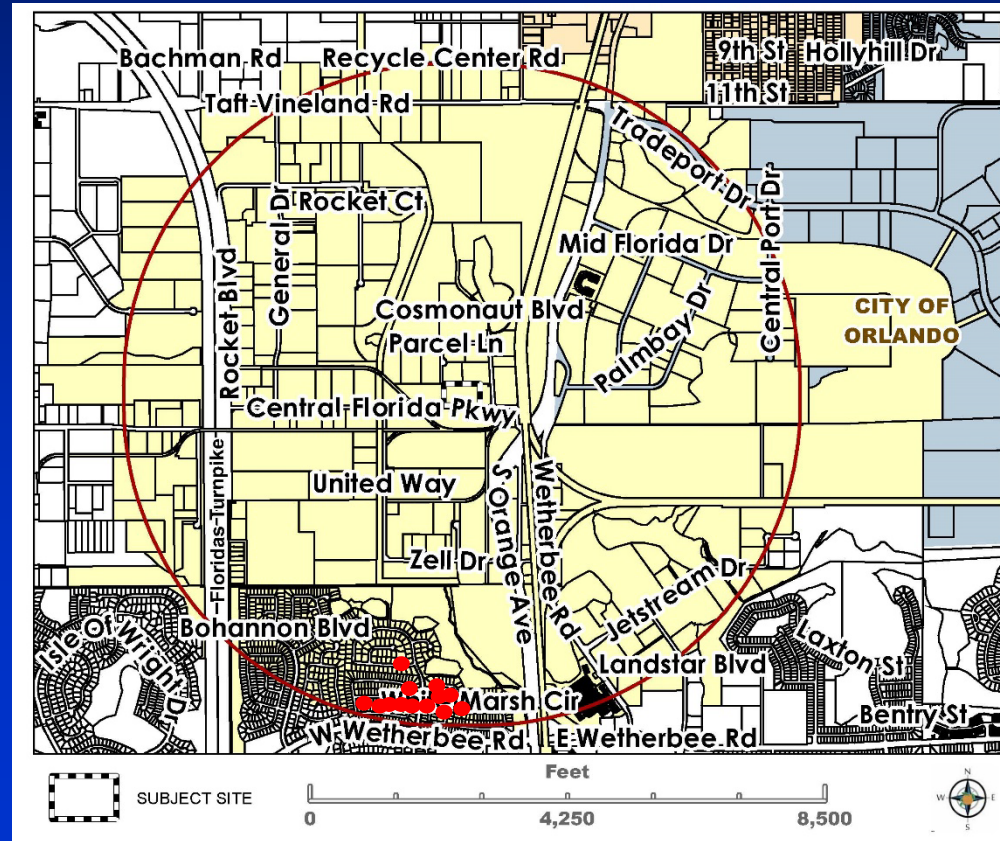
Public Feedback

- A community meeting was held on Thursday, June 22, 2023 at Walker Middle School. The meeting was attended by the applicant, the District Commissioner, County staff and 8 attendees.
- Majority of attendees spoke negatively, including:
 - Odor & air quality concerns
 - Health concerns
 - Drainage and runoff
 - Negative effects to land values in area
 - Future expansion possibilities



Public Feedback

- Staff mailed a total of 1,226 notices to adjacent property owners in a 1 mile radius
 - Staff received no correspondences in favor of this request
 - Staff received 54 correspondences in opposition to this request, 41 unmapped





Special Exception Criteria

Section 38-78, Orange County Code

Subject to Section 38-78, in reviewing any request for a Special Exception, the following criteria shall be met:

- 1. The use shall be consistent with the Comprehensive Plan**
- 2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development**
- 3. The use shall not act as a detrimental intrusion into a surrounding area**
- 4. The use shall meet the performance standards of the district in which the use is permitted**
- 5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district**
- 6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted**



BZA Findings

- The BZA concluded that the proposal was compatible and would not negatively impact the surrounding area, is not a detrimental intrusion, and there are no proposed activities on the property that would generate noise, vibration, dust odor, glare, or heat that is not similar to the uses permitted in the Zoning District and recommended approval of the Special Exception, subject to 6 conditions.



Conditions of Approval

- 1. Development shall be in accordance with the site plan received June 22, 2023 and the landscape plan received June 9, 2023, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).**
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.**



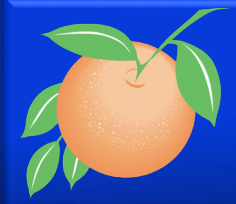
Conditions of Approval

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Permits shall be obtained for all unpermitted improvements, such as the dumpsters and shipping containers, or be removed, within 6 months of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.



Conditions of Approval

5. No expansion of the operations are permitted, including, but not limited to, the construction of new buildings and the increase of capacity in excess of current operations, without further Special Exception approval.
6. Landscaping shall be provided along the entire length of the **side** street on the south property line of the portion of the property subject to this Special Exception along Central Florida Parkway within the 7 ft. required landscape strip, plus the provision of three new shade trees along the north property line. This landscaping along Central Florida Parkway shall consist of shade trees planted 40 ft. on center, supplemented with a continuous row of shrubs/ hedges planted 3 feet on center within the landscape strip adjacent to Central Florida Parkway.



Requested Action

- Deny the applicant's request; or
- Approve the applicant's request with conditions



